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Attorneys for Defendant
MARC DAVIS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

v.

MARC DAVIS,

Defendants.

No. 1:21-cr-00206-DAD-BAM

**STIPULATION TO CONTINUE BRIEFING
SCHEDULE AND HEARING DATE; AND
ORDER**

Date: June 8, 2022

Time: 1:00 p.m.

Court: Hon. Barbara A. McAuliffe

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel, Assistant Federal Defender, Jaya C. Gupta, counsel for defendant Marc Davis, and Assistant United States Attorney Kimberly A. Sanchez, counsel for the government, that the briefing schedule set in this case be continued as set forth below.

Defense counsel has asked to continue the briefing schedule for pretrial motions, and upon the parties' last stipulation, the Court set the following briefing schedule (ECF No. 34):

- Defense motion to be filed on or before April 13, 2022;
- Government opposition to be filed on or before May 11, 2022;
- Any defense reply to be filed on or before May 25, 2022;
- Motion hearing to be set on June 8, 2022, at 1:00 p.m. before the Honorable Barbara

1 A. McAuliffe, United States Magistrate Judge

2 Defense counsel is currently conducting further investigation relevant to the pretrial motions, and
 3 the parties are discussing a possible resolution of the case. To afford time to complete these tasks
 4 and to avoid any unnecessary motion practice if a resolution is reached, the parties ask that the
 5 current dates be re-set as follows below. Further, and in the event that a resolution is not reached,
 6 because one of the motions that the defense plans to file would be dispositive if granted, the
 7 defense requests that both motions be heard by the District Judge, and has set the following dates
 8 based on Judge Drozd's calendar:

- 9 • Defense motions to be filed on or before May 16, 2022;
- 10 • Government oppositions to be filed on or before June 13, 2022;
- 11 • Any defense reply to be filed on or before June 27, 2022;
- 12 • Motion hearing to be set on July 11, 2022, at 10:00 a.m. before the Honorable Dale

13 A. Drozd, United States District Judge.

14 Time was previously excluded until June 8, 2022. ECF No. 34. The parties agree that the
 15 time period until disposition of the motions on July 11, 2022, shall be excluded under 18 U.S.C.
 16 § 3161(h)(1)(D) because the delay results from the filing of pretrial motions, through the
 17 conclusion of any hearing on the motion, and the prompt disposition of the motion. *See* 18
 18 U.S.C. § 3161(h)(1)(D).

19
 20 Dated: April 12, 2022

HEATHER E. WILLIAMS
 Federal Defender

21
 22 /s/ Jaya C. Gupta
 JAYA C. GUPTA
 Attorneys for Defendant
 MARC DAVIS

23
 24
 25 Dated: April 12, 2022

PHILLIP A. TALBERT
 United States Attorney

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 27 /s/ Kimberly A. Sanchez
 KIMBERLY A. SANCHEZ
 Assistant United States Attorney
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ORDER

IT IS ORDERED THAT the briefing schedule on the defense motions is hereby re-set in accordance with the above. The defense motions are to be filed on or before May 16, 2022. The government oppositions are to be filed on or before June 13, 2022. Any defense replies are to be filed on or before June 27, 2022. Hearing on the motions is hereby set for **July 11, 2022, at 10:00 a.m. before the Honorable Dale A. Drozd, United States District Judge.**

Time shall be excluded until July 11, 2022, under 18 U.S.C. § 3161(h)(1)(D) because the delay results from the filing of pretrial motions.

IT IS SO ORDERED.

Dated: April 13, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE